



## **PLANNING COMMISSION AGENDA**

**Wednesday, September 14, 2005**

**6:30 p.m.** Regular Meeting  
Council Chambers, City Hall

200 East Santa Clara Street  
San Jose, California

**Bob Dhillon, Chair**  
**Xavier Campos, Vice-Chair**

**Bob Levy    Jay James**  
**Dang T. Pham**  
**Christopher Platten    James Zito**

**Stephen M. Haase, Director**  
**Planning, Building and Code Enforcement**

## NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

## NOTICE TO THE PUBLIC

Good evening, my name is **Bob Dhillon** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of ***Wednesday, September 14, 2005***. Please remember to turn off your cell phones and pagers.

If you want to address the Commission, **fill out a speaker card (located on the table by the door or at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for this hearing is as follows:

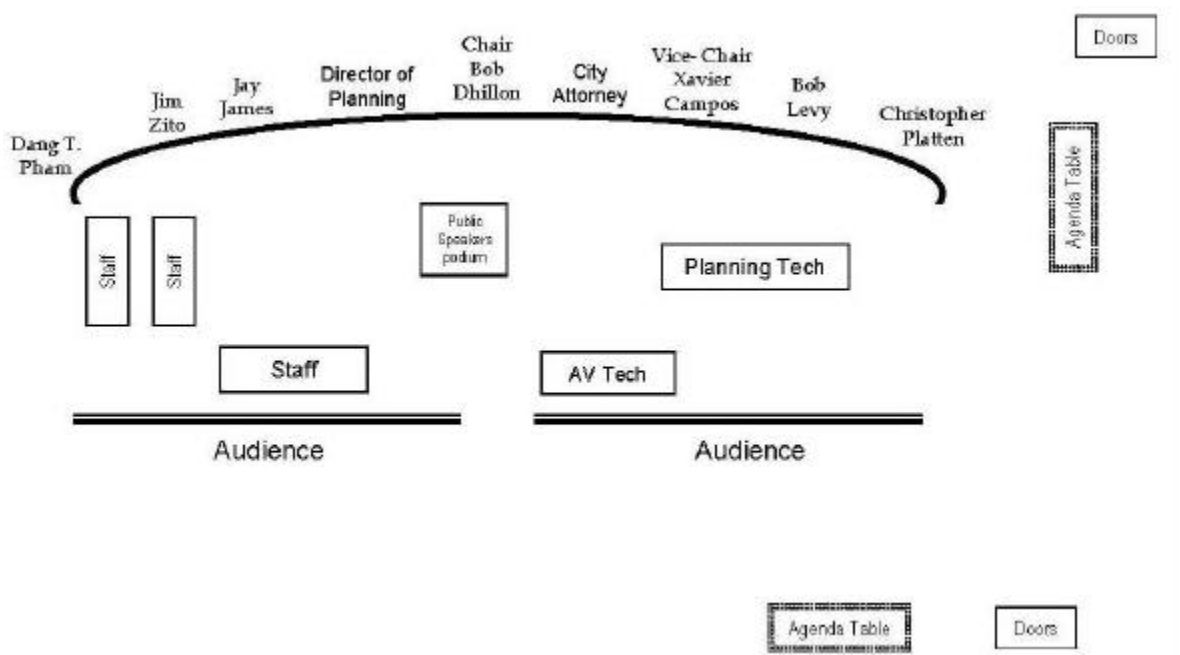
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

**If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.**

**The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items.** Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

**Note:** If you have any agenda questions, please contact Olga Guzman at [olga.guzman@sanjoseca.gov](mailto:olga.guzman@sanjoseca.gov)

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2<sup>nd</sup> and 4<sup>th</sup> Wednesday at 6:30 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.sanjoseca.gov/planning/hearings/index.htm> Staff reports, etc. are also available on-line. If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

**AGENDA**  
**ORDER OF BUSINESS**

**1. ROLL CALL**

**2. DEFERRALS**

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

- a. **PDC03-053**. Planned Development Rezoning from CN Commercial Neighborhood and CG(PD) Planned Development Zoning Districts to CG(PD) & R-1-8 (PD) Planned Development Zoning Districts to allow commercial, automobile dealership, parking structure uses and residential uses on a 3.1 gross acre site, located at the southeast corner of Ardis Avenue and Stevens Creek Boulevard (320 Ardis Avenue) (Behel, Paris, Gesell, Calabro, Jozovich, Battaglia, Fenley, Mattos: Owners). Council District 1. SNI: None. CEQA: San Jose 2020 EIR.

**DEFERRED TO 9-28-05**

- b. **PDC05-028**. Planned Development Rezoning from CN Commercial Neighborhood and R-1-8 Single Family Residence Zoning Districts to A(PD) Planned Development Zoning District to allow the demolition of three single-family detached residences and allow commercial, automobile dealership, and parking uses on a 1.46 gross acre site located at the southwest corner of Ardis Avenue & Stevens Creek Boulevard (3370 Stevens Creek Boulevard). (Homara Hooshang & Manizheh Trustee, Owners). Council District 1. SNI: None. CEQA: San Jose 2020 EIR.

**DEFERRED TO 9-28-05**

- c. **CP05-035**. Conditional Use Permit to allow an Adult Day Care Center for the developmentally disabled in an existing 4,188 sq.ft. building on a 2.3 gross acre site in the CN – Commercial neighborhood Zoning District (pending rezoning), located approximately 190' easterly of the intersection of Blossom Hill Road and Poughkeepsie Road (120 BLOSSOM HILL RD) (Gavilan Plaza, Owner). Council District 2. SNI: None. CEQA: Exempt.

**DEFERRED TO 9-28-05**

- d. **CP05-039**. Conditional Use Permit to allow an existing drinking and entertainment establishment with late night use including (1) renewal of a previously approved Conditional Use Permit file no. RCP03-033, and (2) walled enclosure of an existing patio containing approximately 3,000 square feet on a 0.27 gross acre site in the DC Downtown Primary Commercial Zoning District, located on west side of South First Street, 120 feet south of West San Salvador Street (417 S 1ST ST) (Rosicki Jacek And Ann C, Owner). Council District 3. SNI: None. CEQA: Exempt.

**DEFERRED TO 9-28-05**

### 3. CONSENT CALENDAR

#### NOTICE TO THE PUBLIC

**The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.**

- a. [PDC05-056](#). Planned Development Rezoning from A(PD) Planned Development District to A(PD) Planned Development District to allow a minor revision to the development standards of a previously approved 12-unit single-family attached project on a 0.54 gross acre site, located on the southeast corner of Alum Rock Avenue and McCreery Avenue (Tierra Encantada Lp, Owner). Council District 5. SNI: Mayfair. CEQA: Negative Declaration.

**Staff Recommendation:**

Recommend to the City Council approval of a proposed Planned Development Rezoning from A(PD) Planned Development District to A(PD) Planned Development District to allow a minor revision to the development standards of a previously approved 12-unit single-family attached project as recommended by Staff.

- b. [CPA97-002-01](#). Conditional Use Permit Amendment to allow for the continued operation of an auto dismantling and wrecking yard on a 0.88 gross acre site in the HI Heavy Industrial Zoning District, located on the east side of North 15th Street, approximately 300 feet southerly of Charles Street (1221 OAKLAND RD) (Fontaine Edmond R And Anne M Trustee, Owner). Council District 4. SNI: None. CEQA: Mitigated Negative Declaration.

**Staff Recommendation:**

Consider the Mitigated Negative Declaration and find it in compliance with CEQA. Approve a Conditional Use Permit Amendment to allow for the continued operation of an auto dismantling and wrecking yard as recommended by Staff.

**The following items are considered individually.**

### 4. PUBLIC HEARINGS

- a. [H00-039](#). APPEAL of the Planning Director's decision to deny a Site Development Permit for the construction of a 78,492 square foot self-storage building and an outdoor boat and RV storage facility on a 5.02 gross acre site, in the IP Industrial Park Zoning District located on the easterly side of Tully Road, approximately 850' northerly of Quimby Road (Cindy H. Fan, Owner). Council District 8. SNI: N/A. CEQA: Capitol Storage Center EIR.

**Staff Recommendation:**

Uphold the Planning Director's decision to deny a Site Development Permit as recommended by Staff.

- b. [CPA03-067-01](#). Conditional Use Permit Amendment to amend a previously approved permit to increase the allowed occupancy from ten residents and one staff to 18 residents and up to three non-resident staff at an existing Residential Care Facility on a 0.14 gross acre site in the R-M Multiple Residence Zoning District, located at/on west side of South 9th Street approximately 250 feet northerly of Reed Street (561 S 9TH ST) (Aparicio Martin, Owner). Council District 3. SNI: University. CEQA: Exempt.

**Staff Recommendation:**

Approve a Conditional Use Permit Amendment to amend a previously approved permit to increase the allowed occupancy from ten residents and one staff to 18 residents and up to three non-resident staff at an existing Residential Care Facility as recommended by Staff.

- c. [PDC05-072 & PD05-049](#). Planned Development Rezoning from CO Commercial Office Zoning District to A(PD) Planned Development Zoning District and associated Planned Development Permit to allow relocation of one single-family detached Victorian house and construction of a detached garage on a 0.13 gross acre site, located at/on the north side of George Street, approximately 140' easterly of Guadalupe Parkway (175 GEORGE ST) (Neighborhood Housing Servs Silicon Vly Tony Batista, Gudino Maria R, Owner). Council District 3. SNI: None. CEQA: Exempt.

**Staff Recommendation:**

Recommend to the City Council approval of a proposed Planned Development Rezoning from CO Commercial Office Zoning District to A(PD) Planned Development Zoning District and associated Planned Development Permit to allow relocation of one single-family detached Victorian house and construction of a detached garage as recommended by Staff.

- d. [PDC05-025](#). Planned Development Rezoning from R-M Multiple Residence Zoning District to A(PD) Planned Development Zoning District to allow six multi-family attached residences in an existing building on a gross 0.17 acre site, located on the east side of 10<sup>th</sup> Street, approximately 150 feet south of San Salvador Street (422 S. 10<sup>th</sup> Street) (Amaya Jose And Patricia, Owner). Council District 3. SNI: University. CEQA: Exempt. Deferred from 8-10-05.

**Staff Recommendation:**

Recommend to the City Council approval of a proposed Planned Development Rezoning from R-M Multiple Residence Zoning District to A(PD) Planned Development Zoning District to allow six multi-family attached residences in an existing building as recommended by Staff.

- e. [PDC05-067](#). Planned Development Rezoning request from R-2 Two-Family Residence District to A(PD) Planned Development to allow 2 single-family detached residences in a flag lot configuration on a 0.28 gross acre site, located on the North side of Lincoln Court approximately 200 feet west of Terra Bella Avenue (1115 LINCOLN CT) (Dcl Llc, Owner). Council District 6. SNI: None. CEQA: Exempt.

**Staff Recommendation:**

Recommend to the City Council approval of a proposed Planned Development Rezoning from R-2 Two-Family Residence District to A(PD) Planned Development to allow 2 single-family detached residences in a flag lot configuration as recommended by Staff.

- f. [PDC05-031](#). Planned Development Rezoning request from R-1-8 Single Family Residence District to A(PD) Planned Development to allow four single-family detached residences on a 0.39 gross acre site, located on the west side of Curtiss Avenue, approximately 350 feet southerly of Willow Street (1163 CURTISS AV) (Willowshire Llc, Owner). Council District 6. SNI: None. CEQA: Exempt.

**Staff Recommendation:**

Recommend to the City Council approval of a proposed Planned Development Rezoning request from R-1-8 Single Family Residence District to A(PD) Planned Development to allow four single-family detached residences as recommended by Staff.

- g. [An Ordinance amending section 20.40.100 of Chapter 20.40, section 20.70.100 of Chapter 20.70, and sections 20.80.500 and 20.80.900 of Chapter 20.80 of Title 20](#) of the San Jose Municipal Code to modify the provisions for the off-sale of alcoholic beverages. SNI areas: All. CEQA: Exempt, PP05-161. Deferred from 8-24-05.

**Staff Recommendation:**

Recommend to the City Council approval of the proposed ordinance amending Title 20 of the San Jose Municipal Code to modify the provisions for the off-sale of alcoholic beverages.

## 5. [PETITIONS AND COMMUNICATIONS](#)

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
1. Responding to statements made or questions posed by members of the public; or
  2. Requesting staff to report back on a matter at a subsequent meeting; or
  3. Directing staff to place the item on a future agenda.

**6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES**

**7. GOOD AND WELFARE**

- a. Report from City Council
- b. Commissioners' reports from Committees:
  - Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Dhillon and James).
  - Coyote Valley Specific Plan (Platten)
- c. [Review of synopsis](#)

**8. ADJOURNMENT**



## 2005 PLANNING COMMISSION MEETING SCHEDULE

January 12	5:00 p.m. - 6:00 p.m.	<i>Study Session</i>	Room 400
		<i>Discussion of Meeting Logistics</i>	
January 12	6:00 p.m.	Regular Meeting	Council Chambers
January 26	6:00 p.m.	Regular Meeting	Council Chambers
Monday, February 7	4:45 p.m.	<i>Study Session</i>	Room 400
		<i>Discussion of Jobs/Housing Imbalance</i>	
Monday, February 7	6:00 p.m.	Regular Meeting	Council Chambers
February 23	6:00 p.m.	Regular Meeting	Council Chambers
March 9	4:45 p.m.	<i>Study Session</i>	Room 400
		<i>Discussion of General Plan Amendments/development projects</i>	
March 9	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
March 23	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
Monday, April 11	CANCELLED	<i>Study Session</i>	Room 400
		<i>Discussion of Alcohol sales</i>	
Monday, April 11	6:00 p.m.	Regular Meeting	Council Chambers
April 27	6:00 p.m.	Regular Meeting	Council Chambers
Monday, May 2	4:00 p.m.	<i>Study Session</i>	Room 216B
		<i>Review CIP</i>	
Monday, May 2	6:00 p.m.	Regular Meeting	Council Chambers
May 11	4:00 p.m.	<i>Study Session</i>	Room 400
		<i>Discussion of Parks planning strategy (Joint session with Parks Commission)</i>	
May 11	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
May 25	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
Thursday, June 2	5:00 p.m.	<i>Study Session</i>	Room 106E
		<i>Discussion of Jobs/Housing/Transportation Policy Update</i>	
Thursday, June 2	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
Monday, June 6	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
Tuesday, June 7	6:30 p.m.	General Plan/Regular Meeting	Health Bldg. Rm. 202A/B
June 8	CANCELLED	Regular Meeting	Council Chambers
Wednesday, June 15	6:00 p.m.	Regular Meeting	Council Chambers
June 22	6:00 p.m.	Regular Meeting	Council Chambers
July 13	CANCELLED	Regular Meeting	Council Chambers
July 27	6:00 p.m.	Regular Meeting	Council Chambers (801 N. 1 <sup>ST</sup> St.)
August 10	6:00 p.m.	Regular Meeting	Council Chambers (801 N. 1 <sup>ST</sup> St.)
<b>Meetings August 24<sup>th</sup> and subsequent located in Council Chambers on 200 East Santa Clara St.</b>			
August 24	<b>6:30 p.m.</b>	Regular Meeting	Council Chambers
September 14	6:30 p.m.	Regular Meeting	Council Chambers
September 28	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
October 12	6:30 p.m.	Regular Meeting	Council Chambers
October 26	5:00 p.m.	<i>Study Session</i>	Room T-332
		<i>Joint Airport Land Use/Planning Commission</i>	
October 26	6:30 p.m.	Regular Meeting	Council Chambers
November 9	6:30 p.m.	Regular Meeting	Council Chambers
November 16	5:00 p.m.	<i>Study Session</i>	Room T-332
		<i>Joint Planning/Parks Commission</i>	
November 16	6:30 p.m.	Regular Meeting	Council Chambers
December 7	6:30 p.m.	Regular Meeting	Council Chambers